

**General Assembly**

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Seventy-second session**Request for the inclusion of a supplementary item in the agenda of the seventy-second session****Observer status for the Ramsar Convention on Wetlands Secretariat in the General Assembly****Note verbale dated 11 August 2017 from the Permanent Mission of Uruguay to the United Nations addressed to the Secretary-General**

The Permanent Mission of Uruguay to the United Nations presents its compliments to the Secretary-General and has the honour to request, in accordance with rule 14 of the rules of procedure of the General Assembly, on behalf of Australia, Kenya, the United Arab Emirates, the United States of America and Uruguay, the inclusion in the agenda of the seventy-second session of the General Assembly of a supplementary item entitled "Observer status for the Ramsar Convention on Wetlands Secretariat in the General Assembly".

It is noted that Uruguay currently holds the position of Chair of the Standing Committee of the Ramsar Convention on Wetlands and that the above-mentioned Member States are members of the Standing Committee.

In accordance with rule 20 of the rules of procedure of the General Assembly, an explanatory memorandum (annex I) and a draft resolution (annex II) are attached to the present letter.

The Permanent Mission of Uruguay to the United Nations requests the circulation of the present letter and its annexes as a document of the General Assembly.



Annex I

Explanatory memorandum

Observer status for the Ramsar Convention on Wetlands Secretariat in the General Assembly

This explanatory memorandum sets out the reasons why the Ramsar Convention on Wetlands Secretariat should be granted the status of Permanent Observer in the General Assembly.

The memorandum is divided into three sections, each of which outlines why the Secretariat of the Ramsar Convention on Wetlands constitutes an intergovernmental organization whose activities cover matters of interest to the General Assembly (the two criteria for accreditation as a Permanent Observer are stipulated in General Assembly decision 49/426 of 9 December 1994). Accordingly, these sections are as follows:

1. Introduction and background
2. Status as an intergovernmental organization
3. Ramsar Convention and matters of interest to the General Assembly

1. Introduction and background

Constitution:

The Convention on Wetlands of International Importance especially as Waterfowl Habitat (herein referred to as the "Ramsar Convention on Wetlands") was concluded at Ramsar, Islamic Republic of Iran, on 2 February 1971. Its purpose, as stated in the preamble, is "to stem the progressive encroachment on and loss of wetlands now and in the future".

In accordance with its article 10, the Convention entered into force on 21 December 1975, four months after seven States had become Parties to the Convention.

The Convention has been amended twice: by a Protocol of 3 December 1982; and by the adoption of amendments on 28 May 1987.

Depositary:

The Depositary of the Convention on Wetlands is the United Nations Education, Scientific and Cultural Organization (UNESCO), which registered the Convention at the United Nations on 17 February 1976 (registration number 14583).

Bodies of the Convention:

Article 6 of the Convention on Wetlands establishes a Conference of the Contracting Parties to review and promote the implementation of the Convention.

Article 8 provides that the International Union for Conservation of Nature and Natural Resources (IUCN) shall perform the Bureau duties under the Convention until such time as another organization or government is appointed by a majority of two-thirds of all Contracting Parties. Through adoption of a resolution^a at its fourth meeting (Montreux, Switzerland, 1990), the Conference of the Parties established a "Convention Bureau" "co-located with the headquarters of IUCN, an independent

^a See annex to document Doc. C.4.15 (Rev.), 1990.

unit which is funded from the Convention budget and which performs all tasks required by the Conference of the Contracting Parties". By the adoption of resolution IX.10 at its ninth meeting (Kampala, Uganda, 2005), the Conference of the Contracting Parties decided that in its external relations the Bureau could use the term "the Ramsar Secretariat".

Resolution 3.3, adopted by the Conference of the Contracting Parties at its third meeting (Regina, Canada, 1987), established a Standing Committee of the Conference of the Contracting Parties, responsible for overseeing the implementation of the Convention and the work of the Secretariat between meetings of the Conference of the Parties. Its terms of reference have occasionally been amended by the Conference.

Vision and mission:

The Conference of the Contracting Parties to the Ramsar Convention on Wetlands, at its twelfth meeting (Punta del Este, Uruguay, 2015), adopted a strategic plan for the Convention, establishing that:

The vision of the Convention is: "Wetlands are conserved, wisely used, restored and their benefits are recognized and valued by all"; and

The mission of the Convention is: "The conservation and wise use of all wetlands through local and national actions and international cooperation, as a contribution towards achieving sustainable development throughout the world."

2. Status as an intergovernmental organization

The Ramsar Convention on Wetlands is an intergovernmental treaty that promotes the wise use of wetlands, in particular wetlands of international importance. It currently has 169 Contracting Parties. As noted above, article 8 of the Convention provides for IUCN to perform Bureau duties "until such time as another organization or government is appointed ...". IUCN continued in this role until a resolution was adopted at the fourth meeting of the Conference of the Contracting Parties establishing an independent Bureau (hereafter referred to as the Secretariat) charged with providing the Conference of the Contracting Parties with administrative, scientific and technical support. That resolution further provided that the Secretariat would comprise a Secretary-General and other staff. In relevance to which, the resolution made the Secretary-General responsible to the Conference of the Contracting Parties and, between meetings of the Conference of the Contracting Parties, to the Standing Committee (see above) for all matters under the Convention (including the administration of the Convention budget), other than those requiring the exercise of legal personality. Such matters would continue to be performed on the Convention's behalf by IUCN.

Over time, the Conference of the Contracting Parties and the Standing Committee have charged the Secretariat with increasing responsibility. As a consequence of its expanding functions, a Delegation of Authority to the Secretary-General of the Secretariat was signed in 1993 between the Chair of the Standing Committee and the Director-General of IUCN. The Delegation, which remains in force, authorizes the Secretary-General to, *inter alia*: enter into contracts; receive and expend Convention funds; administer a separate bank account; hire, dismiss and manage staff; and manage its facility.

Today, the Secretariat of the Ramsar Convention on Wetlands employs 24 permanent staff, including specialist advisers serving the Convention regions (Africa, Asia, Europe, Latin America and the Caribbean, North America, and Oceania) charged with liaising with Contracting Parties from each of those regions

and undertaking, as directed by the Conference of the Contracting Parties and the Standing Committee, regionally specific work and activities. The Secretariat of the Convention has, on behalf of the Convention, entered into formal memorandums of understanding or other forms of cooperative agreements with more than 50 entities, including government ministries, intergovernmental bodies (including other multilateral environmental agreements), non-governmental organizations, academic institutions and private sector companies. The Secretariat is required to administer funding programmes established to support the implementation of the Convention and is, together with Contracting Parties, responsible for implementing the Ramsar Convention Strategic Plan. The Secretariat is also responsible for maintaining the List of Wetlands of International Importance, as well as the "Montreux Record" of listed wetlands that are at risk of experiencing a change in ecological character.^b

The aforementioned powers and activities of the Secretariat imply that it has international legal personality. The structure, functions and activities of the Secretariat also evidence that it possesses the features of an organization, responsible for its actions to the 169 Contracting Parties to the Convention. It is our proposal that a Secretariat with international legal personality and directed by a cohort of States to assist in the implementation of a Convention may itself be characterized as an intergovernmental (or international) organization.^c That the treaty is intergovernmental is self-evident.

In advancing this argument, we note that intergovernmental organizations (that are clearly accepted as such) often function in a similar manner to the Secretariat of the Ramsar Convention on Wetlands (and possibly with less autonomy). That is, while these organizations often possess a legal personality that is separate from their member States, "they have few, if any, powers of independent action, and progress in the development of policy and law depends entirely on the willingness of member states to propose, to adopt and to implement whatever is agreed".^d We further note that the definition or conception of an intergovernmental or international organization continues to evolve, as reflected by legal scholarship on the subject.^e

Finally, we note that the Secretariat of the Ramsar Convention of Wetlands has itself been characterized by other entities as an international organization. For example, the "List of accredited intergovernmental organizations that can participate in the United Nations Conference to Support the Implementation of Sustainable Development Goal 14" includes the Secretariat of the Convention on Wetlands among the "Intergovernmental Organizations accredited as Observers to the World Summit on Sustainable Development" (at number 154).^f The Secretariat is

^b Article 3.2 of the Convention requires each Contracting Party to inform the Secretariat if the ecological character of any wetland in its territory and included in the List has changed, is changing or is likely to change as the result of technological developments, pollution or other human interference.

^c We note that article 2 (1) (i) of the Vienna Convention on the Law of Treaties (1969) defines "international organization" as an "intergovernmental organization". That is, for the purposes of the Vienna Convention on the Law of Treaties, the two terms are interchangeable.

^d See Birnie, Patricia; Boyle, Alan, *International Law and the Environment*, Second Edition, Oxford University Press, Oxford, 2002.

^e See, for example, Churchill, R; Ulfstein, G, "Autonomous institutional arrangements in multilateral environmental agreements: a little-noticed phenomenon in international law", *American Journal of International Law*, vol. 94, No. 4, (Oct. 2000); Volgy, Thomas J.; Faussett, Elizabeth; Grant, Keith A.; Rodgers, Stuart, "Identifying Formal Intergovernmental Organizations", *Journal of Peace Research* (2008), vol. 45, No. 6 (Nov. 2008).

^f Available online: https://sustainabledevelopment.un.org/content/documents/12196IGO_list_for_OCEAN_CONFERENCE_24_May_2017.pdf (accessed 11 August 2017).

also listed as an international organization in the Open Yearbook maintained by the Union of International Associations.⁶

3. Ramsar Convention and matters of interest to the General Assembly

There is a clear nexus between the objectives of the Ramsar Convention on Wetlands, which promotes the wise use of wetlands,⁷ and the Sustainable Development Goals adopted by the General Assembly.⁸ Specifically, conservation of wetlands contributes to a number of the Goals, in particular:

Goal 2 (End hunger, achieve food security and improved nutrition and promote sustainable agriculture);

Goal 6 (Ensure availability and sustainable management of water and sanitation for all);

Goal 13 (Take urgent action to combat climate change and its impacts);

Goal 14 (Conserve and sustainably use the oceans, seas and marine resources);

Goal 15 (Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss).

The Ramsar Convention has a long history of promoting the relationship between wetlands and sustainable development. For example:

- The Ramsar Strategic Plan 2003-2008 adopted at the eighth meeting of the Conference of the Contracting Parties (Valencia, Spain, 2002) highlighted the explicit links between the sustainable use of wetlands and the health and well-being of human beings.⁹
- The "Changwon Declaration on human well-being and wetlands" was adopted at the tenth meeting of the Conference of the Parties (Changwon, Republic of Korea, 2008)¹⁰ in recognition of the "contribution of wetlands to human well-being, livelihoods and human health ...". The Declaration itself noted that wetlands "provide food, store carbon, regulate the water flows, store energy, and are crucial for biodiversity. Their benefits to people are essential for the future security of humankind. Conservation and the wise use of wetlands are vital for people, especially the poor".
- At the eleventh meeting of the Conference of the Parties (Bucharest, Romania, 2012), the Contracting Parties adopted resolution XI.21, entitled "Wetlands and sustainable development", which calls on Contracting Parties to disseminate and promote the Tehran Declaration on Wetlands and Sustainable Development, which, *inter alia*, acknowledged the "vital role of wetlands in sustainable development and in achieving the Millennium Development Goals by 2015".

⁶ Available online: <https://www.iaa.org/en/1100067521> (accessed 11 August 2017).

⁷ "Wise use" is defined as "the maintenance of their ecological character, achieved through the implementation of ecosystem approaches, within the context of sustainable development". See: Ramsar Convention Secretariat, 2010, "Wise use of wetlands: Concepts and approaches for the wise use of wetlands" (Ramsar handbooks for the wise use of wetlands, 4th edition, Handbook 1).

⁸ General Assembly resolution 70/1.

⁹ Resolution VIII.25.

¹⁰ Resolution X.3.

- The Ramsar Strategic Plan 2016-2024 adopted at the twelfth meeting of the 2th Conference of the Parties¹ focused on the links between the wise use of wetlands and attainment of the Sustainable Development Goals.
- On 21 June 2017, the Secretary-General of the Ramsar Convention on Wetlands delivered an executive briefing entitled "The Ramsar Convention on Wetlands towards the Sustainable Development Goals" to the Permanent Missions of Member States at the United Nations Office at Geneva. The briefing was attended by representatives of 48 countries and seven organizations, and was chaired by the Chief of the Political Affairs and Partnerships Section at the United Nations, who noted the political and economic importance of wetlands, the central role played by the Ramsar Convention on Wetlands in their protection and in advancing the sustainable development agenda.

Finally, it is worth noting that 2,280 wetlands spread across 220,453,845 hectares have been designated under the Ramsar Convention. A significant proportion of these sites are located in nations and regions suffering from extreme poverty, inadequate food security and poor water sanitation. Furthermore, many of these nations and regions are particularly vulnerable to the impacts of climate change. Sustainable management of wetlands can assist to alleviate these issues and in turn to meet the Sustainable Development Goals.

¹ Resolution XII.2.

Annex II**Draft resolution****Observer status for the Ramsar Convention on Wetlands Secretariat in the General Assembly**

The General Assembly,

Wishing to promote cooperation between the United Nations and the Secretariat of the Convention on Wetlands of International Importance especially as Waterfowl Habitat (Ramsar Convention on Wetlands Secretariat),

1. *Decides to invite the Ramsar Convention on Wetlands Secretariat to participate in the sessions and the work of the General Assembly in the capacity of the observer;*
2. *Requests the Secretary-General to take the action necessary to implement the present resolution.*

*72nd plenary meeting
xx December 2017*